

REMARKS

Applicant's counsel thanks the Examiner for the careful consideration given the application. Claims 1-27 are currently pending in the application. Claims 26 and 27 are withdrawn from further consideration as being drawn to a non-elected group. Applicant notes with appreciation the fact that the Examiner acknowledges the novelty of the invention claimed in principal claims 1 and 19.

Claim Rejections - 35 USC § 103

Claims 1-25 are rejected as being unpatentable over Wilson (US 4,032,053). Applicant notes that Wilson does not disclose that the second upper flap extends at least between the openings, while, at the location of the second and third fold line over at least one part of the said second and third fold line at least two layers of sheet material are provided, on and/or on both sides of said second and third fold line such that an upper longitudinal edge of at least one of the containers abuts, during use, against the innermost of said two layers of sheet material. This difference is also acknowledged by the Examiner. However, Wilson does not suggest or teach to use two layers of sheet material. In fact, Wilson can be seen as teaching away from the invention since Wilson teaches to *remove* portions 118, 120 of sheet material. Therefore, it is not at all obvious for the person skilled in the art to use two layers of sheet material. To the contrary, a person skilled in the art will be taught by Wilson that he has to remove portions of sheet material.

In view of the above remarks, the present claims are clearly new and non-obvious and define over the cited prior art and are consequently allowable. A Notice of Allowance is accordingly now in order and is respectfully requested.

Along with the October 8, 2009 Office action, the Examiner returned an initialed copy of applicant's Sept. 2005 Form PTO-1449. On that Form PTO-1449, two foreign references were lined through as not being considered. These two references were cited in the International Search Report and accordingly, pursuant to standard procedures, the International Bureau sent copies to the USPTO. Apparently, these copies were lost or misplaced. So that the Examiner can consider these references, applicant is enclosing a clean copy of said Form PTO-1449, along with copies of these two references (with English text or abstract). Applicant requests that these two references be considered and that an initialed copy of the Form PTO-1449 be enclosed with the next communication.

If any additional fees are required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. VOB-38839.

Respectfully submitted,
PEARNE & GORDON LLP

By John P. Murtaugh
John P. Murtaugh, Reg. No. 34226

1801 East 9th Street, Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: January 6, 2010